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Letter dated 19 February 2016 from the Chargé d'affaires a.i. of the Permanent Mission of the Russian Federation to the United Nations addressed to the President of the Security Council

I have the honour to forward to you the statement of the delegation of the Russian Federation presented at the extraordinary meeting of the Open Skies Consultative Commission convened on 19 February 2016 with regard to the violations by Turkey of the Treaty on Open Skies (see annex).

I should be grateful if you would circulate the present letter and its annex as a document of the Security Council.

(*Signed*) Petr **Iliichev**
Chargé d'affaires a.i.

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Annex to the letter dated 19 February 2016 from the Chargé d'affaires a.i. of the Permanent Mission of the Russian Federation to the United Nations addressed to the President of the Security Council

[Original: Russian]

Statement by the delegation of the Russian Federation at the extraordinary meeting of the Open Skies Consultative Commission held on 19 February 2016

The Russian Federation requested the convening of this extraordinary meeting, guided by the interests of the full and faithful implementation of the Treaty on the basis of openness and transparency in military activities.

Recently our delegation has repeatedly had to refer to violations by Georgia, the United States, Canada and Norway of the right of any State party to conduct observation flights over the territory of another State party. Today, the Russian Federation is forced to draw the attention of the Open Skies community to another gross violation of the Treaty on Open Skies by the Republic of Turkey.

On 26 January 2016, the Russian Federation submitted to all States parties a notification of its intention to conduct an observation flight over Turkish territory from 1 to 5 February 2016.

On 27 January 2016, Turkey acknowledged receipt of the Russian notification and expressed its willingness to accept the observation flight and relevant requests from Russia. Furthermore, no preconditions or restrictions were mentioned by Turkey.

During a briefing following the mission's arrival at the point of entry, the observed party announced that a part of Turkish territory along the Syrian-Turkish border was an area of hazardous airspace.

This hazardous airspace was not indicated by the observed party, in accordance with annex 1 to the Treaty, nor was it published in the national air traffic control rules, procedures and guidelines on flight safety, in accordance with article VI, section I, paragraph 14 (b), of the Treaty.

At the request of Turkey, the Russian group adjusted the altitude profile of the observation flight. Its route included the observation of areas adjacent to the Syrian border (over a 770 km distance, 20 to 60 km from the border) and airfields, where the aircraft of North Atlantic Treaty Organization (NATO) countries are concentrated (see enclosures 1 and 2).

However, even following this adjustment to the mission's plan, the conduct of the observation flight was denied by Turkey, which cited instructions from the Turkish Ministry of Foreign Affairs. This demonstrates that from the outset Turkey had no intention of complying with article 3, section 1, paragraph 2, of the Treaty, which states that each State party shall be obliged to accept observation flights over its territory in accordance with the provisions of the Treaty.

Thus, the statement by the official representative of the Turkish Ministry of Foreign Affairs, in which he asserted that the flight did not take place because "agreement could not be reached on the mission plan", does not correspond to

reality. We hope that today the distinguished delegation of Turkey will not resort to using that false argument.

We underscore that this unprecedented step by Turkey contradicts one of the key purposes of the Treaty: to promote greater openness and transparency through confidence-building measures, whose importance, incidentally, NATO so loves to discuss. Furthermore, Turkey has violated the main principle of the Treaty on Open Skies, which enables observation flights to be conducted over any part of the entire territory of the observed party, including areas mentioned by the observed party in official sources as being hazardous airspace.

According to the Treaty, Ankara had no right to deny us an observation mission over its territory. Its refusal therefore shows that Turkey is trying to conceal some activity possibly taking place in the areas over which the Russian plane was to have flown.

Furthermore, the airspace was closed at the request of the Ministry of Foreign Affairs of Turkey, which again suggests that this was a politically motivated step.

We should also like to draw the attention of States parties to the fact that this is by no means the first incidence of Ankara violating its international obligations.

For example, the position of the Patriot anti-aircraft missile system in southern Turkey has been closed for observation since February 2013. The explanation given was the automatic regime for the missile system and the possibility of accidental activation by Open Skies observation aircraft.

In 2014, a Turkish escort group stated that it was not possible to guarantee the safety of flights in some areas of the country's airspace, citing intensive flights by combat air forces as part of counter-terrorism operations.

Our request of 5 October 2015 to conduct an observation flight over Turkey from 12 to 16 October 2015 was met with a brief response: "Observation flights being planned by the Russian Federation in Turkey as part of security operations must be postponed". We cooperated and postponed the flight.

In December 2015, Turkey closed a significant part of its territory along the Syrian border to Russian observation aircraft, on the pretext of conducting military operations and again without documenting the restrictions, as provided for in the Treaty.

Thus, the systematic violations of the Treaty's requirements and the unconstructive actions by Turkey have set a precedent, where an observing party does not have an opportunity to monitor the military activities of one of the States parties. A lack of transparency in military activities and a disregard for commitments are being elevated to the status of national policy.

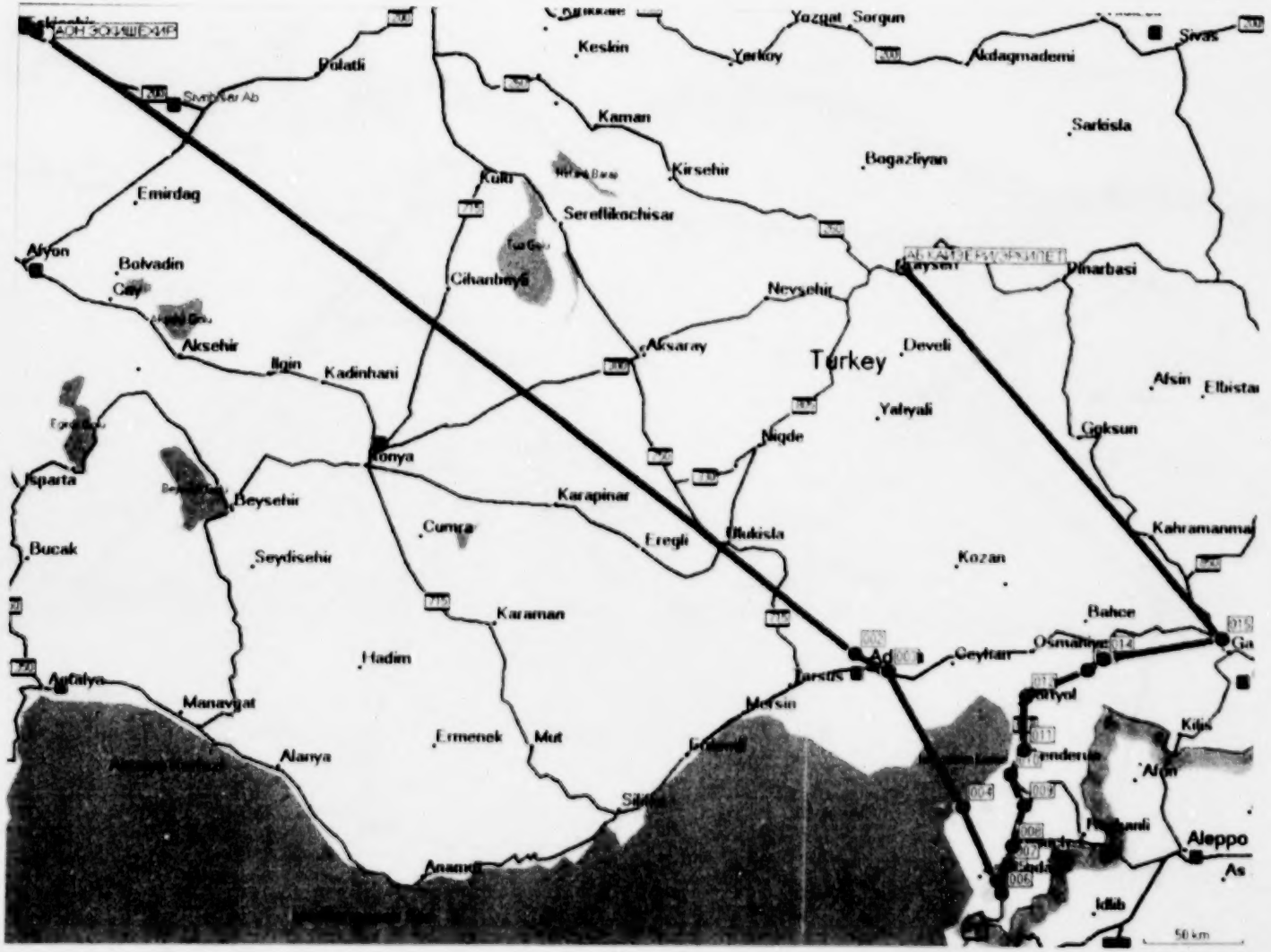
Some colleagues from NATO countries have no aversion to accusing Russia of "selectively implementing" the Treaty. In that connection, we recall that in 2014, during an acute phase of the conflict in south-east Ukraine, the Russian Federation gave States parties unfettered access to verify that there was not an "excessive build-up of Russian armed forces and military equipment" in the areas bordering Ukraine (see enclosure 3).

We believe that the actions of Turkey should not merely be a cause of concern to the Open Skies community, but also a cause of alarm vis-à-vis the integrity and viability of the Treaty as an effective confidence- and security-building measure.

The Russian Federation reserves the right to respond appropriately to Turkey's non-compliance with the provisions of the Treaty on Open Skies.

We look forward to the response of other States parties to the Treaty, including an objective evaluation of Ankara's actions. A failure to do this would mean only one thing: that "double standards" are being applied to the implementation of the Treaty.

Enclosure 1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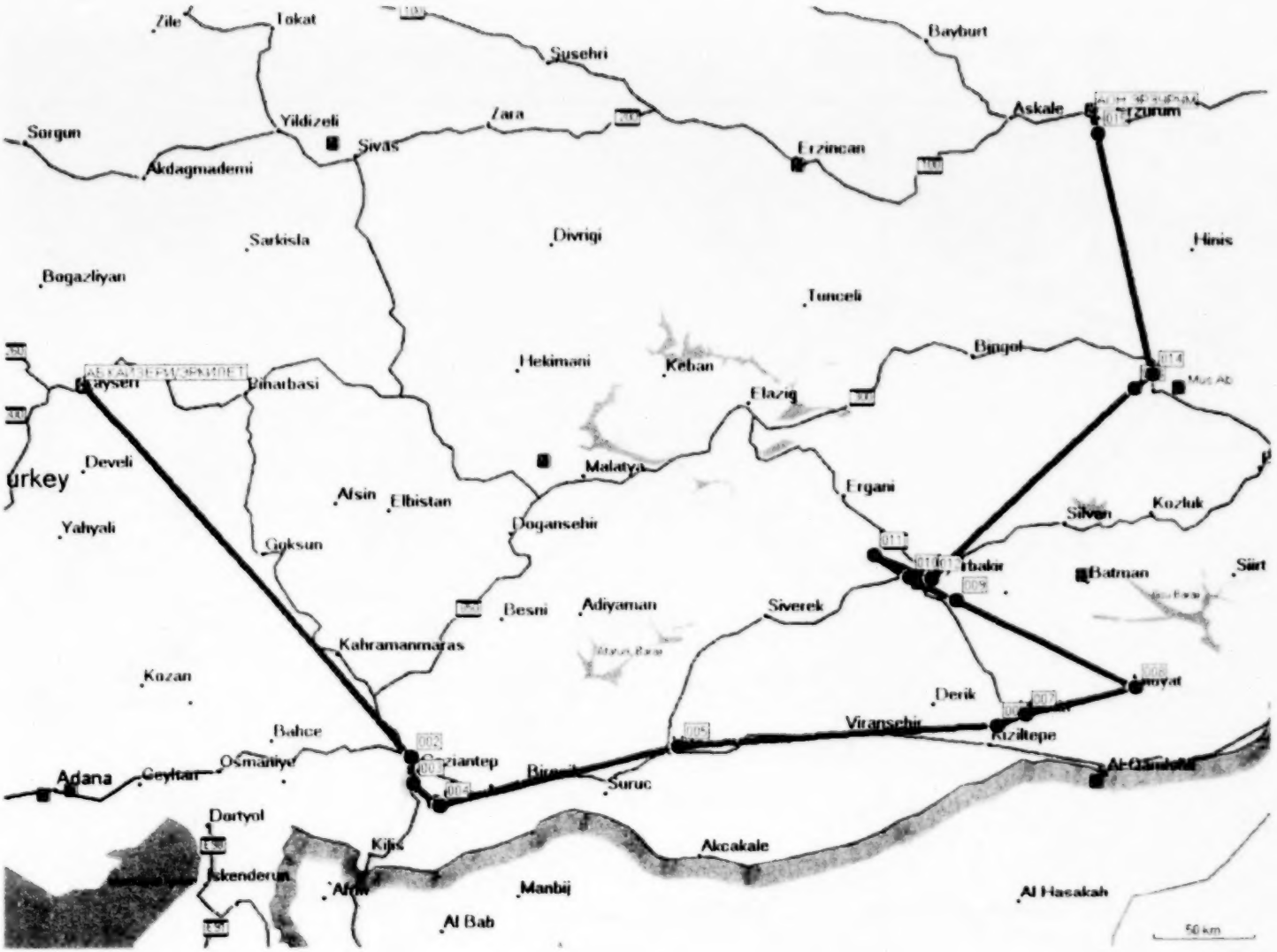
Enclosure 2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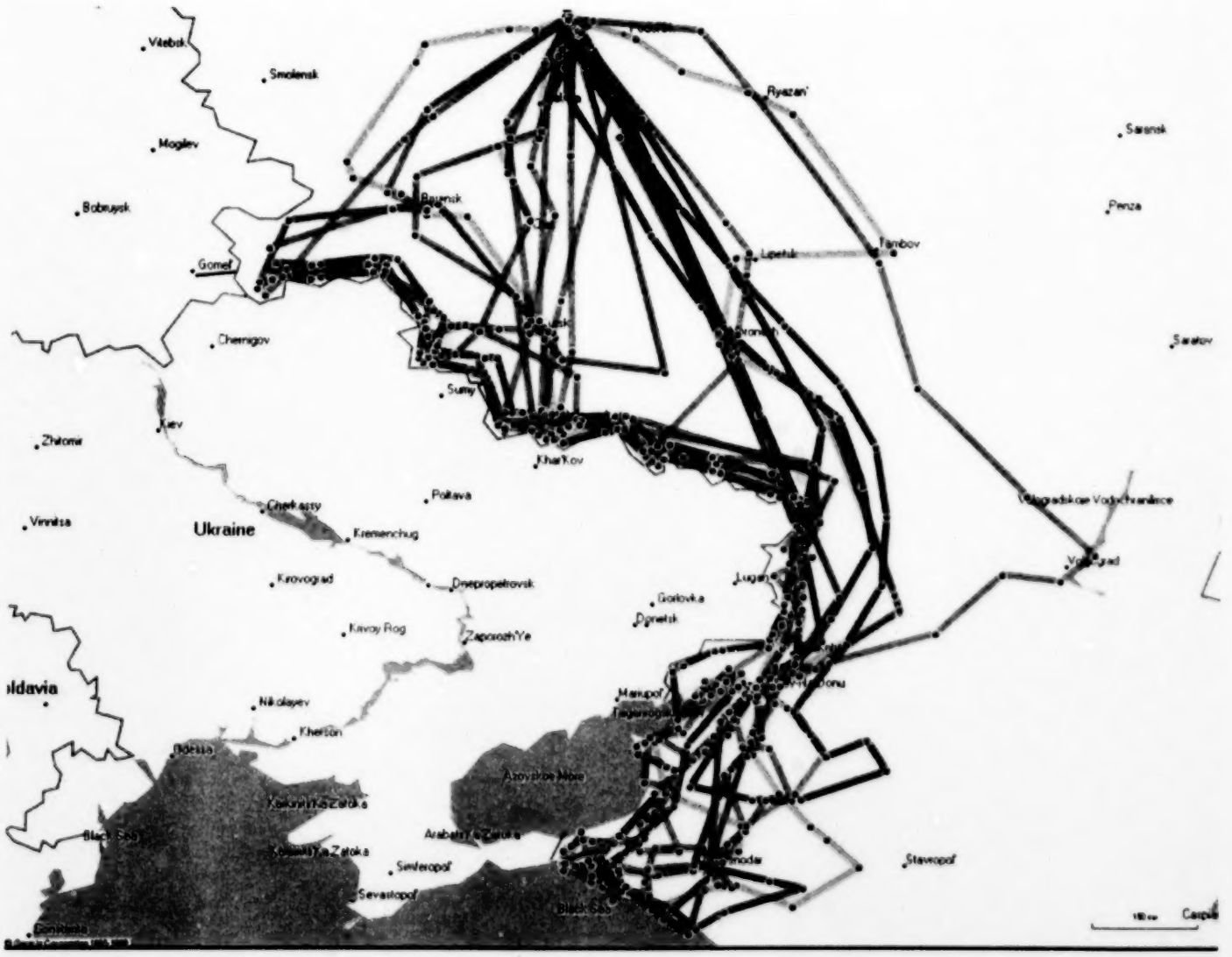
Enclosure 3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